

**JUDGE KEENAN**  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

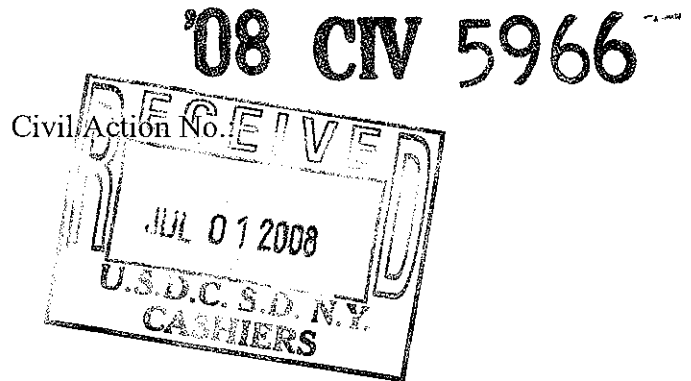
SONY BMG MUSIC ENTERTAINMENT, a  
Delaware general partnership; INTERSCOPE  
RECORDS, a California general partnership;  
MOTOWN RECORD COMPANY, L.P., a  
California limited partnership; UMG  
RECORDINGS, INC., a Delaware corporation;  
and CAPITOL RECORDS, LLC, a Delaware  
limited liability company,

Plaintiffs,

-against-

PIERINA D. MEDINA,

Defendant.



**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiffs, by their attorneys Robinson & Cole LLP, for their complaint against  
Defendant, allege:

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. §101 *et seq.*).
2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. §1331 (federal question); and 28 U.S.C. §1338(a) (copyright).
3. This Court has personal jurisdiction over the Defendant, Pierina D. Medina, and venue in this District is proper under 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400, because, on information and belief, the Defendant resides in this District and/or a substantial part of the acts of infringement complained of herein occurred in this District.

## **PARTIES**

4. Plaintiff SONY BMG MUSIC ENTERTAINMENT is a Delaware general partnership, with its principal place of business in the State of New York.

5. Plaintiff Interscope Records is a California general partnership, with its principal place of business in the State of California.

6. Plaintiff Motown Record Company, L.P. is a limited partnership duly organized and existing under the laws of the State of California, with its principal place of business in the State of California.

7. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

8. Plaintiff Capitol Records, LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

9. Plaintiffs are informed and believe that Defendant is an individual who resided in New York, New York, within this District at the time of the infringement complained of herein. Upon information and belief, Defendant may still be found in this District.\*

## **COUNT I INFRINGEMENT OF COPYRIGHTS**

10. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

11. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright law with respect to certain

copyrighted sound recordings, including but not limited to, all of the copyrighted sound recordings on Exhibit A to this Complaint (collectively, these copyrighted sound recordings shall be identified as the "Copyrighted Recordings"). Each of the Copyrighted Recordings is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights, for which the Plaintiffs are the owners as specified on Exhibit A.

12. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

13. Much of the unlawful distribution of copyrighted sound recordings over the Internet occurs via "peer-to-peer" ("P2P") file copying networks or so-called online media distribution systems. P2P networks, at least in their most popular form, refer to computer systems or processes that enable Internet users to search for files (including audio recordings) stored on other users' computers and transfer exact copies of files from one computer to another via the Internet, which can include both downloading an exact copy of that file onto the user's own computer and distributing an exact copy of that file to other Internet users on the same P2P network. P2P networks enable users who otherwise would have no connection with, or knowledge of, each other to provide a sophisticated search mechanism by which users can locate these files for downloading and to reproduce and distribute files off of their personal computers.

14. Users of P2P networks who distribute files over a network can be identified by using Internet Protocol ("IP") addresses because the unique IP address of the computer offering the files for distribution can be captured by another user during a search or a file transfer. Users of P2P networks can be identified by their IP addresses because each computer or network device (such as a router) that connects to a P2P network must have a unique IP address within

the Internet to deliver files from one computer or network device to another. Two computers cannot effectively function if they are connected to the Internet with the same IP address at the same time.

15. Plaintiffs identified an individual using LimeWire on the P2P network Gnutella at IP address 128.230.120.36 on March 6, 2007 at 00:38:58 EST distributing 425 audio files over the Internet. The Defendant was identified as the individual responsible for that IP address at that date and time. Plaintiffs are informed and believe that as of March 6, 2007, Defendant, without the permission or consent of Plaintiffs, had continuously used, and continued to use, a P2P network to download and/or distribute to the public the Copyrighted Recordings. Exhibit A identifies the date and time of capture and a list of Copyrighted Recordings that Defendant has, without the permission or consent of Plaintiffs, downloaded and/or distributed to the public. Through Defendant's continuous and ongoing acts of downloading and/or distributing to the public the Copyrighted Recordings, which acts Plaintiffs believe to have been ongoing for some time, Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and exclusive rights under copyright.

16. In addition to the sound recordings listed on Exhibit A, Plaintiffs are informed and believe that Defendant has, without the permission or consent of Plaintiffs, continuously downloaded and/or distributed to the public additional sound recordings owned by or exclusively licensed to Plaintiffs or Plaintiffs' affiliate record labels, and Plaintiffs believe that such acts of infringement are ongoing.

17. Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on each respective album cover of each of the sound recordings identified in Exhibit A. These

notices of copyright appeared on published copies of each of the sound recordings identified in Exhibit A. These published copies were widely available, and each of the published copies of the sound recordings identified in Exhibit A was accessible by Defendant.

18. Plaintiffs are informed and believe that the foregoing acts of infringement have been willful and intentional, in disregard of and indifference to the rights of Plaintiffs.

19. As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of each of the Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

20. The conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs' copyrights, and ordering Defendant to destroy all copies of sound recordings made in violation of Plaintiffs' exclusive rights.

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

1. For an injunction providing:

"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of

Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control."

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. § 504.
3. For Plaintiffs' costs in this action.
4. For Plaintiffs' reasonable attorneys' fees incurred herein.
5. For such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
July 1, 2008

By: 

Brian E. Moran (BM-8573)  
Victor B. Kao (VK6967)  
Robinson & Cole LLP  
885 Third Avenue, Suite 2800  
New York, NY 10022-4834  
Telephone: (212) 451-2900  
Fax: (212) 451-2999

This JS-44 civil cover sheet and the information contained herein neither create nor constitute the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of the Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

SONY BMG MUSIC ENTERTAINMENT; INTERSCOPE RECORDS;  
MOTOWN RECORD COMPANY, L.P.; UMG RECORDINGS, INC.;  
and CAPITOL RECORDS, LLC

DEFENDANTS

PIERINA D. MEDINA

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Brian E. Moran (BM-8573)  
Victor B. Kao (VK6967)  
Robinson & Cole LLP  
885 Third Avenue, Suite 2800  
New York, NY 10022-4834

Telephone: (212) 451-2900  
Facsimile: (212) 451-2999

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

17 U.S.C. § 501 et seq. – copyright infringement

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		PERSONAL INJURY		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY	<input type="checkbox"/> 610 AGRICULTURE	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE						
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 620 FOOD & DRUG	28 USC 158	REAPPORTIONMENT						
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST						
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING						
		<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	21 USC 881		<input type="checkbox"/> 450 COMMERCE/ICC RATES/ETC						
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY		<input type="checkbox"/> 630 LIQUOR LAWS		<input type="checkbox"/> 460 DEPORTATION						
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 640 RR & TRUCK		<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)						
<input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 650 AIRLINE REGS	<input checked="" type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 480 CONSUMER CREDIT						
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE	<input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 490 CABLE/SATELLITE TV						
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 690 HEALTH	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 810 SELECTIVE SERVICE						
<input type="checkbox"/> 190 OTHER CONTRACT	<input type="checkbox"/> 360 OTHER PERSONAL INJURY				<input type="checkbox"/> 850 SECURITIES/COMMODITIES/EXCHANGE						
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY					<input type="checkbox"/> 861 MIA (1395FF)						
<input type="checkbox"/> 196 FRANCHISE					<input type="checkbox"/> 862 BLACK LUNG (923)						
	<b>ACTIONS UNDER STATUTES</b>	<b>PRISONER PETITIONS</b>			<input type="checkbox"/> 863 DIWC (405(g))						
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 20 USC 2255			<input type="checkbox"/> 863 DIWW (405(g))						
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 530 HABEAS CORPUS			<input type="checkbox"/> 864 SSID TITLE XVI						
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 535 DEATH PENALTY			<input type="checkbox"/> 865 RSI (405(g))						
<input type="checkbox"/> 230 RENT LEASE & EJECTMENT	<input type="checkbox"/> 443 HOUSING ACCOMMODATIONS										
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 540 MANDAMUS & OTHER									
<input type="checkbox"/> 246 TORT PRODUCT LIABILITY	<input type="checkbox"/> 445 AMERICANS WITH DISABILITIES EMPLOYMENT	<input type="checkbox"/> 550 CIVIL RIGHTS									
<input type="checkbox"/> 290 ALL OTHER REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES-OTHER	<input type="checkbox"/> 555 PRISON CONDITION									
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS										

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)



(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding  
☐ 2a. Removed from State Court  
☐ 2b. Removed from State Court AND at least one party is a pro se litigant  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from (Specify District)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

 IF DIVERSITY, INDICATE  
 CITIZENSHIP BELOW.  
 (28 USC 1332, 1441)

- ☐ 1 U.S. PLAINTIFF  
☐ 2 U.S. DEFENDANT  
☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)  
☐ 4 DIVERSITY

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ] 1	[ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ] 3	[ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ] 5	[ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

SEE ATTACHMENT A.

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

**Pierina D. Medina**  
**66 Post Avenue**  
**Apt. 4A**  
**New York, NY 10034**  
**New York**

DEFENDANT(S) ADDRESS UNKNOWN


REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one:

 THIS ACTION SHOULD BE ASSIGNED TO:  
 (DO NOT check either box if this is PRISONER PETITION).
☐ WHITE PLAINS☒ FOLEY SQUARE

DATE July 1, 2008

SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[X] YES (DATE ADMITTED: April 11, 2007)

Attorney Bar Code VK-6967

Attorney Bar Code #

RECEIPT #

PITMAN

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ATTACHMENT A

SONY BMG MUSIC  
ENTERTAINMENT  
550 Madison Avenue  
New York, NY 10022-3211  
County of New York  
Motown Record Company, L.P.  
1755 Broadway, 6th Floor  
New York, NY 10019  
County of New York

Interscope Records  
2220 Colorado Avenue  
Santa Monica, CA 90404  
County of Los Angeles

UMG Recordings, Inc.  
2220 Colorado Avenue  
Santa Monica, CA 90404  
County of Los Angeles

Capitol Records, LLC  
150 Fifth Avenue, 11th Floor  
New York, NY 10011  
County of New York

# **Exhibit A**

**EXHIBIT A****PIERINA D. MEDINA****IP Address:** 128.230.120.36 2007-03-06 00:38:58 EST**CASE ID#** 120733627**P2P Network:** Gnutella**Total Audio Files:** 425

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
SONY BMG MUSIC ENTERTAINMENT	Billy Joel	We Didn't Start the Fire	Storm Front	109-420
Interscope Records	Truth Hurts	Addictive	Truthfully Speaking	317-059
Motown Record Company, L.P.	702	Where My Girls At	702	279-470
SONY BMG MUSIC ENTERTAINMENT	Michael Jackson	Bad	Bad	84-256
UMG Recordings, Inc.	Dru Hill	These Are The Times	Enter the Dru	290-402
UMG Recordings, Inc.	K-Ci & Jojo	All My Life	Love Always	238-754
SONY BMG MUSIC ENTERTAINMENT	Mariah Carey	Always Be My Baby	Daydream	215-243
SONY BMG MUSIC ENTERTAINMENT	Michael Jackson	Butterflies	Invincible	304-780
Capitol Records, LLC	Vanilla Ice	Ice Ice Baby	To The Extreme	125-259
UMG Recordings, Inc.	Jay-Z	Soon You'll Understand	The Dynasty - Roc La Familia 2000	295-613

JUDGE KEENAN

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern District of New York

SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; INTERSCOPE RECORDS, a California general partnership; MOTOWN RECORD COMPANY, L.P., a California limited partnership; UMG RECORDINGS, INC., a Delaware corporation; and CAPITOL RECORDS, LLC, a Delaware limited liability company,

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CIV 5966

V.

PIERINA D. MEDINA

TO:

Pierina D. Medina  
66 Post Avenue  
Apt. 4A  
New York, NY 10034

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Brian E. Moran (BM-8573)  
Victor B. Kao (VK6967)  
Robinson & Cole LLP  
885 Third Avenue, Suite 2800  
New York, NY 10022-4834  
Telephone: (212) 451-2900  
Facsimile: (212) 451-2999

an answer to the complaint which is served on you with this summons, within 20 days after service summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUL 01 2008

CLERK

*Satelia Cruz*

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**Service of the Summons and complaint was made by me<sup>(1)</sup>

DATE

NAME OF SERVER (*PRINT*)

TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

Signature of Server \_\_\_\_\_

Address of Server \_\_\_\_\_

<sup>(1)</sup> As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.